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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12403 of 2005

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i) Dr. Sunita Shishodia, w/o Late Raj Kumar Vidyut Nath Singh
ii) Shashank Nath Singh, son of Late Raj Kumar Vidyut Nath Singh
iii) Tirathraj Nath Singh, son of Late Raj Kumar Vidyut Nath Singh
All resident of village + P.O. - Kunda Kothi, P.S. and District - Hazaribagh,

.... Petitioners

Versus

1. The State Of Bihar
2. Joint Director, Consolidation, Gaya Consolidation Office, Gaya
3. Consolidation Officer, Imamganj, District - Gaya

4(i) Akhouri Sachida Nand Prasad, son of Late Akhouri Sheo Nandan Prasad, resident of Mohalla - Raniganj, Imamganj, P.S. – Imamganj, District - Gaya
4(ii) Prabha Sinha, D/O Late Akhouri Sheo Nandan Prasad and wife of Vijay Kumar Sinha, resident of Mohalla - Chamchura, P.S. Civil Line, District Gaya
4(iii) Manju Kumari, D/O Late Akhouri Sheo Nandan Prasad and wife of Late Premakant Lal , resident of Mohalla Hawai Nagar, P.S. – Jagarnathpur, District – Ranchi (Jharkhand)
4(iv) Sanju Kumari, D/O Late Akhouri Sheo Nand Prasad, wife of Anjani Sahay, resident of Mohalla Sector No. 2 Hatiya , P.S.- Jagarnathpur, District Ranchi (Jharkhand)

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Kumar Uday Singh
For the Respondent/s : Mr. (Sc10)
Mr. Ajay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7 28-02-2013 Heard learned counsel for the petitioners, learned counsel appearing on behalf of State as well as private respondents.

In the present writ petition petitioners have prayed for quashing of an order passed by Joint Director, Consolidation, Gaya while exercising power under Section 35 of the Bihar

Consolidation of Holdings and Prevention of Fragmentation Act, 1956.

In this case till date no counter affidavit has been filed by either private respondents or State.

Learned counsel appearing on behalf of petitioners submits that in view of the fact that during the pendency of the present writ petition Land Tribunal has already been constituted under the Bihar Land Tribunal Act, 2009 (hereinafter referred to as "the Act"), the record of this case may be directed to be transferred to the Tribunal.

Learned counsel appearing on behalf of private respondents raises objection and submits that in this case disputed question of fact is involved, and as such, this dispute can only be settled by a court of civil jurisdiction.

Be that as it may, since Tribunal is already functioning , the court is of the opinion that direction can be given for transferring the record to the Tribunal. Accordingly, in view of provision contained in Section 15 of the Act, Registry is directed to transmit the record of the case to the Tribunal forthwith.

(Rakesh Kumar, J)

Praful/-